IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO. 941 OF 2006

Date of decision : October 30, 2006

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Sudesh .....Petitioner

Vs.

State of Haryana & others .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. S.S Khurana, Advocate for the petitioner(s).
Mr. Ajay Gulati, Assistant Advocate General, Haryana.
Mr. Ashwani Talwar, Advocate for respondent no.4.

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Viney Mittal, J. (Oral)

The petitioner has approached this Court challenging the issuance of directions to the respondents to release the compensation amount to the petitioner under Devi Rakshak (Ch. Devi Lal Jan Suraksha Beema) Scheme to the petitioner.

It has been claimed by the petitioner that her husband, Rajesh was the sole earning member of the family and was working at a Petrol Pump. He died in a road accident on October 29, 2004. The petitioner has claimed that on account of the fact that claim of the petitioner was covered under the aforesaid Scheme, she was entitled to the payment of the insurance amount. The claim of the petitioner has been contested by respondent no.4. In the written statement filed by the Insurance Company,

it has been maintained that the aforesaid Scheme as per the Memorandum of Understanding Annexure R-4/2 covered only the claims of the families on account of the death of the head of the family.

Sh. Ashwani Talwar, learned counsel appearing for the Insurance Company has also brought to our notice, the communication dated October 21, 2004 when in a meeting held between the Insurance Company and the State Government, it was agreed that compensation would be given only on account of death of the head of the family who could be identified by ration card and post mortem examination etc. Learned counsel, thus maintains that since the deceased Rajesh, husband of the petitioner was not the head of the family, therefore, the petitioner was not entitled to any amount of Insurance.

On the other hand, Sh. S.S Khurana, learned counsel appearing for the petitioner has relied upon various other clauses of Memorandum of Understanding and has also raised many other pleas in support of the claim raised by the petitioner.

Keeping in view the facts and circumstances and also the fact that disputed questions of facts have been raised by the petitioner in the present case which cannot be adjudicated by this Court for want of evidence, we relegate the petitioner to seek her remedies before the Civil Court, if so advised.

Disposed of.

(VINEY MITTAL)
JUDGE

October 30, 2006
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(H.S BHALLA)
JUDGE